

Practitioner's Docket No. RYL 2 0535-3-4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date: February 12, 2002Assistant Commissioner for Patents
Washington, D.C. 20231

REISSUE APPLICATION TRANSMITTAL

Transmitted herewith is the application for reissue of U.S.

☒ Utility Patent ☐ Plant Patent ☐ Design Patent
 No. 6,026,540 issued on February 22, 2000

Inventor(s): WRIGHT, et al.Title: UPRIGHT VACUUM CLEANER WITH CYCLONIC AIRFLOW

Enclosed are the following:

1. Specification, claim(s) and drawing(s) (37 C.F.R. § 1.173)

- (a) ☒ 10 page(s) of specification
☒ 11 page(s) of claims
☒ 1 page(s) of abstract

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
 Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☐ with sufficient postage as first class mail.☒ as "Express Mail Post Office to Addressee"Mailing Label No. EL 852686348 US (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____Date: 2-12-02

Signature

Barbara J. Whaley

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Reissue Application Transmittal [17-1]—page 1 of 6)

NOTE: This must include the entire specification and claims of the patent, with the matter to be omitted by reissue enclosed in square brackets. Any additions made by the reissue must be underlined, so that the old and new specifications and claims may be readily compared. Claims should not be renumbered. The numbering of claims added by reissue should follow the number of the highest numbered patent claim. No new matter shall be introduced into the specification. (37 C.F.R. § 1.173).

(b) ☒ 20 sheet(s) of drawing (drawings amended)

☒ Formal

☐ Informal

NOTE: "Amendments which can be made in a reissue drawing, that is, changes from the drawing of the patent, are restricted." 37 C.F.R. § 1.174(b).

☒ No changes in the drawings, upon which the original patent was issued, are to be made. Therefore, in accordance with 37 C.F.R. § 1.174(a), please find attached, in the size required for original drawings:

☒ a copy of the printed drawings of the patent.

☐ a photoprint of the original drawings.

☐ A letter requesting transfer of the drawings from the original patent file to this reissue application is attached.

2. Declaration and power of attorney

☒ 10 pages of declaration and power of attorney

3. Preliminary amendment

(check, if applicable)

☐ Attached

☐ The claims are amended and there is attached a separate statement as to the status of the claims and an explanation of the support in the specification for the changes in accordance with 37 C.F.R. § 1.173(c).

4. Offer to surrender the original letters patent in accordance with 37 C.F.R. § 1.178 is attached.

☒ Offer to surrender is by the inventor

☒ along with assent of assignee.

☐ Offer to surrender is by the assignee of the entire interest (and the reissue application does not seek to enlarge the claims of the original patent).

5. Letters patent

☒ Original letters patent are attached.

☐ Declaration that original letters patent lost or inaccessible is attached.

☐ A copy of the original printed patent is attached.

NOTE: "The application may be accepted for examination in the absence of the original patent or the declaration but one or the other must be supplied before the case is allowed." 37 C.F.R. § 1.178.

NOTE: "Where the original patent grant is not submitted with the reissue application as filed, patentee should include a copy of the printed original patent. Presence of a copy of the original patent is useful for the calculation of the reissue filing fee and for the verification of other identifying data." M.P.E.P., § 1416, 7th ed.

NOTE: "If a reissue be refused, the original patent will be returned to applicant upon his request." 37 C.F.R. § 1.178.

6. Petition to proceed without assignee's assent

☐ Attached hereto is a "PETITION TO PROCEED WITH REISSUE APPLICATION WITHOUT ASSIGNEE'S ASSENT".

A. ☐ The fee payment is authorized in the attached:

☐ "REISSUE APPLICATION TRANSMITTAL" Form

☐ "COMPLETION OF FILING REQUIREMENTS — REISSUE APPLICATION" Form.

B. ☐ Payment is authorized below.

7. Information Disclosure Statement

☒ Attached

☒ Copies of the IDS citation(s) is/are attached.

8. Priority—35 U.S.C. § 119

☐ Priority of application Application No. 0 / _____, filed on _____, in _____ (Country) is claimed under 35 U.S.C. § 119.

☐ The certified copy has been filed in prior application Application No. 0 / _____ filed on _____.

9. Basic Filing Fee Calculation (37 C.F.R. § 1.16(h), (i) and (j))

CLAIMS AS FILED				
Number Filed	Number Extra	Rate	Basic Fee (37 C.F.R. 1.16(h))	
			\$710.00	740.00
Total Claims (37 C.F.R. § 1.16(j))	65	— 20 (and also in excess of total claims in patent)	X \$18.00	774.00
Independent Claims (37 C.F.R. § 1.16(i))	7	— (number of independent claims in patent)	X 84.00	336.00
			\$80.00	
Filing fee Calculation			\$ 1,850.00	

NOTE: Multiple dependent claims are treated as ordinary claims for fee purposes. 37 C.F.R. § 1.16(j).

10. Small Entity Status (if applicable)

NOTE: A new assertion of small entity status is required for the reissue, even if one has been filed in the original patent. 37 C.F.R. § 1.27(c)(4).

WARNING: "Small entity status must not be established when the person or persons signing the . . . statement can **unequivocally** make the required self-certification." M.P.E.P. § 509.03 (emphasis added).

- ☐ An assertion that this filing is by a small entity is attached.
- ☐ Assertion of small entity status is being made by paying the small entity basic filing fee.

Filing Fee Calculation (50% of above) \$ _____

NOTE: If a statement is filed within 2 months of the date of timely payment of a fee, then the excess fee paid will be refunded on request. 37 C.F.R. § 1.28(a). Effective April 1, 1984.

11. Additional Fee Payments

- ☐ Payment is being made for "PETITION TO PROCEED WITH REISSUE APPLICATION WITHOUT ASSIGNEE" (37 C.F.R. § 1.17(h)) \$130.00

12. Total Fees Due

Filing Fee	\$ <u>1,850.00</u>
Petition fee	\$ _____
Total Fees Due	\$ _____

13. Method of Payment of Fees

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 1,850.00
- ☐ Authorization is hereby made to charge the amount of \$ _____
- ☐ to Deposit Account No. 06-0308
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should **not** be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

14. Authorization To Charge Additional Fees

WARNING: If no fees are to be paid on filing, the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- ☒ The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☐ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a)).

☐ 37 C.F.R. § 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).


NOTE: See 37 C.F.R. § 1.28.

15. ☐ Additional Enclosures

Reg. No.: 29,678

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SIGNATURE OF PRACTITIONER

Jay F. Moldovanyi
(type or print name of practitioner)
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP

P.O. Address
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2518

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	WRIGHT, et al.
)	
For:	)	UPRIGHT VACUUM CLEANER
	)	WITH CYCLONIC AIRFLOW
)	
Serial No.:	)	Unknown
)	
Filed:	)	Herewith
)	
Examiner:	)	Unknown
)	
Art Unit:	)	Unknown
)	
Attorney Docket No.:	)	RYL 2 0535-3-4

Cleveland, Ohio 44114-2518

REISSUE APPLICATION OFFER TO SURRENDER

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

The undersigned applicants of the accompanying reissue application for the reissue of Letters Patent for the improvement in UPRIGHT VACUUM CLEANER WITH CYCLONIC AIRFLOW, Patent No. 6,026,540 granted to them on February 22, 2000 of which Royal Appliance Mfg. Co. is now the sole owner by assignment and on whose behalf and with whose assent the accompanying application is made, hereby offers to surrender said Letters Patent.

A request for abstract of title concerning U.S. Patent No. 6,026,540 is being made herewith.

Respectfully submitted,

Date 2/7/02

By Michael F. Wright
Michael F. Wright

Date 2-7-02

By Charles J. Thur
Charles J. Thur

Date 2-7-02

By Mark E. Cipolla
Mark E. Cipolla

Date 2/8/02

By Brett A. Latimer
Brett A. Latimer

Date 2-7-02

By Paul D. Stephens
Paul D. Stephens

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	WRIGHT, et al.
)	
For:	)	UPRIGHT VACUUM CLEANER
	)	WITH CYCLONIC AIRFLOW
)	
Serial No.:	)	Unknown
)	
Filed:	)	Herewith
)	
Examiner:	)	Unknown
)	
Art Unit:	)	Unknown
)	
Attorney Docket No.:	)	RYL 2 0535-3-4

Cleveland, Ohio 44114-2518

REQUEST FOR ABSTRACT OF TITLE

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:


Please prepare a certified Abstract of Title in respect to the above-identified original Letters Patent for placing in the official file of the reissue application which is being filed herewith.

The above-identified patent was assigned to Royal Appliance Mfg. Co. on July 23, 1998. The assignment was recorded on November 9, 1998 on Reel 9447 beginning at Frame 0028.

Enclosed pursuant to 37 CFR 1.19(b)(4) is the filing fee required in the amount of \$25.00

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP


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